

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER COUNTY

Purushottam C. Kalola,
Plaintiff,

Complainant,

v.

International Business Machines
Corporation "IBM" et al and
Jackson Lewis PC et al
Defendant(s),

Respondents.

VERIFIED COMPLAINT and Summons
Pursuant to Intentional Violations of Federal
and New York States' Civil, Criminal,
Defamation etc. Laws by Depriving Plaintiff's
Civil/Constitutional Rights and Court's
Lawful Functions etc.

**Plaintiff Designates WESTCHESTER COUNTY as the Place of
Trial. Jury Trial Demand and No Judge must be assigned for
this case due Plaintiff is Pro Se and Plaintiff could not afford an
Attorney for >\$400K upfront etc.**

**This employment case and Plaintiffs in only True Witness and
know the Truth of District Court's 13CV7339 Kalola vs IBM et
al Case. Attorneys Arguments do not counts; only Evidences
counts for all rulings. Jury needs to see only the Evidences.**

Index No. _____

**Claims: Federal and New York State's
Many Civil, Criminal, Defamations,
Reputations, Intentionally lied to the
Court to deprive Plaintiff's Civil and
Constitution Rights and Court's Lawful
Functions etc. to Dismissed Kalola
13CV7339 DOC 224 #1 Employment, ADA,
etc. Case. Plaintiff prays for >\$100M
Damages from Each Defendants for Many
Misconducts. Disbar Defendants'
Attorneys for life with 5 Year in
Jail, >\$100M Punitive Damages from**

[REDACTED]

each defendant for their Intentional
Misconducts etc.

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer in this action and serve a copy of your answer, or if the complaint is not served with the summons, to serve a notice of appearance on the Plaintiff's attorney within twenty (20) days after the service of the summons, exclusive of the day of service. If this summons is not personally served upon you, or if this summons is served upon you outside of the State of New York, then your answer or notice of appearance must be served within thirty (30) days. In case of your failure to appear or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated: __8/29/2017____New York, New York, By Plaintiff's preferred communication to Plaintiff's Private Email:
pck101@gmail.com for all Communications with the Defendants and Courts.

1. The Defendants are:
2. Jackson Lewis PC - 666 Third Avenue, 29th Floor, New York, NY 10017. Phone# 212-545-4000 and Fax: 212-972-3213.
3. Lauri Kevin G. Lauri "Lauri" (NYC) LauriK@JacksonLewis.com,
4. Dana Glick Weisbrod "Dana" (NYC) WeisbrodD@jacksonlewis.com
5. Mina Wood (NYC) "Mina": Mina.Wood@jacksonlewis.com.
6. and John Doe (s) and Jane Doe (s) of IBM (**International Business Machines Corporation** 1 New Orchard Rd Armonk, NY 10504 **Contact IBM** Phone Number: (914) 499-1900) Internal and Litigation Departments' Attorneys and Employees (Aiders and Abettors etc..), IBM CEOs (Sam Palmisano-Ex CEO, Robert Weber-Ex Sr. VP, Randy MacDonalds-Ex VP of Human Resources, Ginni Rometty

"Rometty" CEO etc..as **Joinder and Severance (One Conspiracy, Fraud, Defraud, One Trial etc..).**

7. Plaintiff charges the Defendants for the followings unlawful actions and legal practices in the New York State's (and all Courts across the USA) and Federal Courts (Civil, Employment, Labor, Criminal etc..) against the Federal's, New York State's, New City's and all other applicable Civil and Criminal, defamations etc.. Laws that are applicable for the defamation, intentional emotional distress, and mental anguish damages (Punitive and all applicable damages more than \$100M.
8. Plaintiff asks for the punishment to the Defendants for the following (Cancel Lifetime Law Licenses, \$100M Damages to Plaintiff for Defamations and Punitive and Other Damages etc..
9. This is a Community Work Law Suit to save the Tax Payers Money during the litigations and to make the Court Room and Litigation Process efficient and productive (with the highest ethics...inside and

outside of the Court Rooms) for all Plaintiffs, Courts, and for all to the defendants.

10. Plaintiff claims that the Defendants have (have been) violated the some of the following New York State's and Federal Civil and Criminal Laws (from 2014 to 2016 and ongoing).

11. **Legal**

Exhibits (Attorneys disbarred with punishments etc.)

12. http://www.leagle.com/decision/197545848AD2d410_1366/MATTER%20OF%20MITCHELL
13. <https://fas.org/sgp/crs/misc/R41223.pdf>
14. <https://www.justice.gov/usam/criminal-resource-manual-923-18-usc-371-conspiracy-defraud-us>
15. <https://www.justice.gov/usam/criminal-resource-manual-903-false-statements-concealment-18-usc-1001>
16. <https://www.law.cornell.edu/uscode/text/18/242>
17. <http://ypdcrime.com/penal.law/article175.htm>
18. <https://www.law.cornell.edu/uscode/text/18/1519>.
19. <https://www.justice.gov/usam/criminal-resource-manual-1743-perjury-overview-18-usc-1621-and-1623-violations>
20. Although this language is very broad, cases rely heavily on the definition of "defraud" provided by the Supreme Court in two early

- cases, *Hass v. Henkel*, 216 U.S. 462 (1910), and *Hammerschmidt v. United States*, 265 U.S. 182 (1924). In *Hass* the Court stated:
21. The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of government . . . (A)ny conspiracy which is calculated to obstruct or impair its efficiency and destroy the value of its operation and reports as fair, impartial and reasonably accurate, would be to defraud the United States by depriving it of its lawful right and duty of promulgating or diffusing the information so officially acquired in the way and at the time required by law or departmental regulation.
22. See <http://legal-dictionary.thefreedictionary.com/Defraud>
23. **Defraud** : To make a [Misrepresentation](#) of an existing material fact, knowing it to be false or making it recklessly without regard to whether it is true or false, intending for someone to rely on the misrepresentation and under circumstances in which such person does rely on it to his or her damage. To practice [Fraud](#); to cheat or trick. To deprive a person of property or any interest, estate, or right by fraud, deceit, or artifice.
24. *Intent to defraud* means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter, or terminate a right, obligation, or power with reference to property.
25. **Defendants Attorneys and their Law Firm (by working with IBM Attorneys) violated Federal 18 U.S.C. §§ 241, 242, 371.**

666(a)(1)(A), 1343, 1349, 2, and all applicable Federal and New York City and New York State Laws.

26. See 2016 Guilty Verdict Case Case 2:15-cr-00193-SDW Document 1.

27. See <http://fas.org/sgp/crs/misc/R41223.pdf> (Federal Conspiracy Law: A Brief Overview).

28. *Plaintiff claims that Defendants have also violated some or all following New York State Bar Rules from 2014 to 2016.*

29. New York Bar Rule 8.4 of the Model Rules of Professional Conduct contains the following statements on attorney misconduct:

30. It is professional misconduct for a lawyer to:

31. (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

32. (b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

33. (c) Engage in conduct involving dishonesty, Fraud, deceit or misrepresentation;

34. (d) Engage in conduct that is prejudicial to the administration of justice;

35. (e) State or imply an ability to influence improperly a government agency or official;

36. (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

37. **DETAIL**

38. Defendants' intentionally and repeatedly violated many Federal and New York State's Criminal and Civil etc.. and 28 U.S. Code § 4101 - Definitions | U.S. Code | US Law ... <https://www.law.cornell.edu/uscode/text/28/4101> 28 U.S. Code § 4101 - **Definitions.** (1)**Defamation.**— The term “ **defamation** ” means any action or other proceeding for **defamation**, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any pers

39.

40. The Defendants have been representing #1 American Job Killer and US Community Destroyers IBM (\$156B Corporation). Please see the IBM Sam Palmisano-Ex CEO and High Ranking Officers scandals worldwide to raise IBM's Revenue by firing thousands of Fellow Americans wrongfully (from 2003 to 2016; and it has been still going across the USA).

41. IBM Sam Palmisano-EX CEO, Ginni Rometty-CEO, High Ranking Officers and IBM Board Members also taught (indirectly) 1000s US

companies to outsource Americans' Job to India and other low cost countries.

42. The Defendant Jackson Lewis PC and its Attorneys have been running scandals, frauds, and conspiracy against Plaintiff (US Citizen and his Civil Rights) by deceiving (to deceive) Plaintiff, Jury, Judges, US Courts since the case started in 2014 to 2016 (and still ongoing).

43. Please see 13CV7339 Case's Doc 1 and its 6 Exhibits, 15 and its many Exh H, Mc, O-1, O-2 F, G, Doc 46, Doc 112, Doc 118, DOC 127, Doc 171, Doc 177, 186, 199, 224, 225, 215, 216, 217 etc..for the Plaintiff's Discrimination, Retaliation, Harassment, Psychology Injuries etc. claims (White Plains-NY Federal Court).

44. Plaintiff's Claims and Facts are as follows:

45. Defendant(s) violated the Following New York State Laws and have been representing several IBM Ex-Employees without the Individual ***Letters of Engagements.***

46. *These IBM Ex-Employees include Sam Palmisano-EX CEO, Rod Adkins-Ex. Sr. VP, Randy MacDonald -Ex HR VP, and Robert Weber-Ex Sr. VP of Legal Department of IBM (New York).*
47. The Defendant(s) have also damaged reputations of the Plaintiff (Federal Case 13Cv7339 VB LMS White Plains-NY) in the Court House that put Plaintiff's entire case or some of the claims at very high risk of dismissal.
48. Claims: The Defendants' unlawful acts could cost Plaintiff more than \$168M that Plaintiff asking the Defendants to pay the Plaintiff as Punitive and other applicable damages.
49. Plaintiff also claims the Psychology Injuries, Severe Emotional Distress, Intentions, **Intentional infliction of emotional distress, 100s of sleepiness nights, panic attacks, memory loss attacks, concentration, suicidal thoughts, intentional misconducts to destroy plaintiff's great reputation with Judges etc..**
50. **Conspiracy, Fraud, Defraud etc..Count#1::** Plaintiff claims that the Defendants' Attorneys (Lauri Kevin G. Lauri "Lauri" (NYC) LauriK@JacksonLewis.com, Dana Glick Weisbrod "Dana" (NYC) WeisbrodD@jacksonlewis.com, Mina Wood (NYC) "Mina": Mina.Wood@jacksonlewis.com and their Law Firm Jackson Lewis PC have intentionally and repeatedly (from 2014 to 2016 and ongoing) violated conspiracy, fraud, and defraud, defamations etc.. Federal and New York State Laws to deprive Plaintiff's Civil Rights (and

Deprive Plaintiff) to get the fair trial, deprive plaintiff as a pro se, deprive plaintiff's civil rights to get the maximum damages by blocking the similarly situated employees comparator data (i.e. performance rating etc..).

51. **Plaintiff claims that plaintiff has stated the** all Caucasians Similarity Situated Employees Names in the see ECF 1, 15, 39, 46, 112, 118, 119, 162, 163, 168, 171 etc..and via Emails to the Defendants.
52. The Defendants' produce the first set of Discovery Documents with the conspiracy, fraud, and defraud.
53. Plaintiff claims that Even Court issued mentions the Similarly Situated Employees in the ECF 60-Memorandum Decision.
54. **Plaintiff's** Similarly Situated Employees **Under Tom Forsberg-Plaintiff Manager are** Roy Galewski, Jonathan Bachman, Peter Mendola, Mark Broat, Jane Lake, Tom Tempestilli, and David McCree (Provided some data).

CONCLUSION

Defendants' motion to dismiss is GRANTED in part and DENIED in part.

Plaintiff's discrimination claims against IBM under Title VII and the Human Rights Law based on the 2009 and 2010 performance ratings, the January 2010 failure to transfer, and his placement on the PIP will proceed. Plaintiff's discrimination claim against IBM under the Human Rights Law based on the October 2009 failure to transfer will also proceed.

Plaintiff's retaliation claims against IBM under Title VII and the Human Rights Law will proceed based on the 2009 performance rating.

Plaintiff's failure to accommodate claim against IBM under the ADA and the Human Rights Law—which defendants did not move to dismiss—will also proceed.

Plaintiff's claims against Murphy and Granuzzo will proceed.

Defendants' motion is GRANTED in all other respects.

The Clerk is instructed to terminate the motion. (Docs. #31, 46).

The Clerk is further instructed to terminate the following defendants: Rodney C. Adkins, Craig Ignaszewski, Russell Mandel, Sam Palmisano, Kevin Sullivan, Kermit Taylor, and Robert i . C. Weber.

ANNOUNCEMENT FOLLOW-UP

David McCree, Edward Roberts, Frances A DiLorenzo,
Gina Finnigan, Jane Lake, Mark R Broat, Natalie
Thomas Forsberg to: Dowling, P C Kalola, Phillip Sorrentino, Thomas 05/21/2010 12:11 PM
Tempestilli, Jonathan W Bachman, Peter Mendola, Roy
Galewski, Terry Walker
Cc: Kelly C Smith, David Yao, James Meredith, Charles S Maltrotti, Craig
Ignaszewski, David Mele
Default custom expiration date: 05/21/2011



Job Rotation Announcement 05/21/2010 12:11 PM

Attached above, is a chart depicting the various 'job rotations' and related personnel moves announced to you at our noon meeting.

Please join me in welcoming Steve Blanks to our department and wishing Jon 'well' in his new assignment.

Not depicted on the chart, is the reality that responsibility for CMP Polishing Pads will be going back to Dave Yao's area (Kelly Smith's department) as part of 'spares'.

Please access the attached file to see the other 2 assignment changes (in Craig's org) also announced today.

I am thankful for the excellent results delivered to our Council from the work Jon has done on his assigned subsets. During his time in our department. Jon has contributed much in the definition and execution of our EP1 RLA process, as well as other areas which have and will continue to have a positive impact across our Council, to the benefit of our MD client. I look forward to having Steve advance the work done by Jon (adding his new initiatives), as we each (and together) drive continuous improvement and value add for our client, in this challenging business environment.

Thomas Forsberg
Semiconductor Materials Council Chairman
Phone: External (607) 429-5292 Internal TL 620-5292
FAX: External (607) 429-4171 CELL: (607) 341-8619
E-mail: TOMF@US.IBM.COM

- ii.
55. Defendants Attorneys and IBM Attorneys intentionally and knowingly deprive the Plaintiff, Federal and New York State Government and intentionally blocking the Plaintiff's Similarly Situated Employees and other Comparator Data that Plaintiff

requested (and mentioned) in ECF 1, 15, 39, 46, 112, 118, 119, (in 177 later) etc. and Via Emails during the Discovery March 2015 to 2016.

56. **Conspiracy, Fraud, Defraud etc..Count#2:** Plaintiff claims that the Defendants' Attorneys and their Law Firm Jackson Lewis PC have intentionally and repeatedly (from 2014 to 2016 and ongoing) violated conspiracy-fraud-defraud federal and New York State Laws to deprive the Federal and New York State Government to conduct the fair and speedy trial for the plaintiff for his all claims stated in the (ECF 1, 15, 46, 60, 177, etc..) and to save the Tax Payers Money.
57. **Conspiracy, Fraud, Defraud etc..Count#3:** Plaintiff claims that the Defendants' Attorneys (Lauri Kevin G. Lauri "Lauri" (NYC) LauriK@JacksonLewis.com, Dana Glick Weisbrod "Dana" (NYC) WeisbrodD@jacksonlewis.com, Mina Wood (NYC) "Mina": Mina.Wood@jacksonlewis.com and their Law Firm Jackson Lewis PC have intentionally and repeatedly (from 2014 to 2016 and ongoing) violated conspiracy, fraud, and defraud Federal and New York State Laws to deprive to deprive the Jury and Judges and WON all most Motions during the Discovery (from Sep 2015 to 2016) without True Valid evidences and True Witnesses.
58. **Conspiracy, Fraud, Defraud etc..Count#4:**
59. Plaintiff claims that the Defendants' Attorneys (Lauri Kevin G. Lauri "Lauri" (NYC) LauriK@JacksonLewis.com, Dana Glick Weisbrod "Dana" (NYC) WeisbrodD@jacksonlewis.com, Mina Wood (NYC) "Mina":

Mina.Wood@jacksonlewis.com and their Law Firm Jackson Lewis PC have intentionally and repeatedly (from 2014 to 2016 and ongoing) violated conspiracy, fraud, and defraud Federal and New York State Laws to deprive Federal and New York State Government to treat Plaintiff (Kalola 13CV7339 Plaintiff) fair for his Civil Rights for his claims in the 13Cv7339 Case.

60. Plaintiff claims that the Defendants' Attorneys (Lauri Kevin G. Lauri "Lauri" (NYC) LauriK@JacksonLewis.com, Dana Glick Weisbrod "Dana" (NYC) WeisbrodD@jacksonlewis.com, Mina Wood (NYC) "Mina": Mina.Wood@jacksonlewis.com and their Law Firm Jackson Lewis PC have intentionally and repeatedly (from 2014 to 2016 and ongoing) violated conspiracy, fraud, and defraud Federal and New York State Laws to deprive Plaintiff Civil Rights to take the Depositions of IBM's (Defendant) Ex-Employees (Sam Palmisano, Rod Adkins, Robert Weber, and Randy McDonald without their Engagement Letter (Attorney Client Engagement Contract and without their Prior Knowledge about the 13Cv 7339 Case and Plaintiff's claims against them and their company IBM.
61. Plaintiff has a proceeding Claim (Failure to Transfer) against Sam Palmisano-Ex CEO in the ECF 60 Memorandum Decision issued by the Court.
62. Plaintiff claimed that Sam Palmisano (Rod Adkins, Bob Moffat, Craig Ignaszewski-Director, Charlie Maltrotti-2nd Line Manager, Tom Forsberg, Russ Mandel etc..) have transferred 1000s of Favorite Employees from one Manager to other Manager by violating New York

Human Rights and Title VII, etc.. Laws since IBM founded (still going on every day at IBM by IBM CEO, High Ranking Officers and Managers).

63. Plaintiff may file conspiracy, fraud, defraud and other law claims as he learns later or in the separate law suit in Federal Court or New York State Court to help his fellow Americans and save their Jobs.
64. To deprive plaintiff to the speedy trial, deprive the tax payers and court people to confuse them to waste more and more time for the 13CV7339 case, etc..
65. Plaintiff claims that see ECF 1, 15, 39, 46, 112, 118, 119, 162, 163, 168, 171 etc..
66. (Federal and New York State Laws) conspiracy, fraud, lying/cheating/ misrepresentations to Plaintiff, the US Government, and New York Government (During the Court Proceedings etc..), providing fraudulent documents as evidences during the deposition of the Plaintiff on Sep 12, 13, 14, 15 2016, and many more fraud and conspiracy law violations by Mr. Kevin G. Lauri, Ms. Mina Wood, and Dana Weis that will be listed
67. COUNT#2..
68. (see ECF 1, 15, 39, 46, 112, 118, 119, 162, 163, 168, 171 etc..that clearly state the Plaintiff's Departments' All Caucasians Employees Names, the names of the Similarly Situated and other employees names, quashed depositions of IBM Ex-Employees without

their written agreements, illegally, Department Processes and IBM policies Violated the following Federal and New York State Laws to deprive the Plaintiff to get fair and speedy trial by blocking the comparator data, similarly situated employees data

69. See Exhibits:

70. <http://www.nylitguide.com/chapter-pages/civil-conspiracy/>

71. <https://www.law.cornell.edu/uscode/text/18/242>

72. <https://www.justice.gov/usam/criminal-resource-manual-923-18-usc-371-conspiracy-defraud-us>

73. Although this language is very broad, cases rely heavily on the definition of "defraud" provided by the Supreme Court in two early cases, *Hass v. Henkel*, 216 U.S. 462 (1910), and *Hammerschmidt v. United States*, 265 U.S. 182 (1924). In *Hass* the Court stated:

74. The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of government . . . (A)ny conspiracy which is calculated to obstruct or impair its efficiency and destroy the value of its operation and reports as fair, impartial and reasonably accurate, would be to defraud the United States by depriving it of its lawful right and duty of promulgating or diffusing the information so officially acquired in the way and at the time required by law or departmental regulation.

75. See <http://legal-dictionary.thefreedictionary.com/Defraud>

76. **Defraud** : To make a **Misrepresentation** of an existing material fact, knowing it to be false or making it recklessly without regard to whether it is true or false, intending for someone to rely on the misrepresentation and under circumstances

in which such person does rely on it to his or her damage. To practice Fraud; to cheat or trick. To deprive a person of property or any interest, estate, or right by fraud, deceit, or artifice.

77. *Intent to defraud* means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter, or terminate a right, obligation, or power with reference to property.
78. **Defendants Attorneys and their Law Firm (by working with IBM Attorneys) violated Federal** 18 U.S.C. §§ 241, 242, 371. 666(a)(1)(A), 1343, 1349, 2, and all applicable Federal and New York City and New York State Laws.
79. **See 2016 Guilty Verdict Case** [Case 2:15-cr-00193-SDW Document 1.](#)
80. <http://fas.org/sgp/crs/misc/R41223.pdf> (Federal Conspiracy Law: A Brief Overview)
- 81.** Plaintiff's \$168M employment Case is against the IBM (#1 American Job Killer, New York State and US Communities Destroyers and Americans' Dream Killers since 2003 to 2016 and still going on across the USA) and several employees (Ex-Employees and Current Employees)
- 82.** Plaintiff suffered Severe Emotional Distresses, Mental Anguish, Sleep Losses, and psychology injuries etc..

83. Plaintiff also suffered insulants and humiliations in the Court Room by the Judges from 2013 to 2016.
84. Plaintiff also suffered discriminations in the Court Room as a Pro Se Plaintiff, Lost the Trust with the Judges even Plaintiff is only one True Witness have been attending the Court Conferences with 100s of Intentional Direct and Circumstantial Evidences since 2013 to 2016.
85. Defendants have not provided a Single One Evidence or Exhibit of the *Sam Palmisano-EX CEO, Rod Adkins-Ex. Sr. VP, Randy MacDonald -Ex HR VP, and Robert Weber-Ex Sr. VP of Legal Department of IBM (New York) when they represented information and with misconduct (unethical) to Quash the Deposition Subpoenas of the Sam Palmisano-EX CEO, Rod Adkins-Ex. Sr. VP, Randy MacDonald -Ex HR VP, and Robert Weber-Ex Sr. VP of Legal Department of IBM (New York).*
86. *Plaintiff claims that the Legal Law Firm and attorneys of New York and American Bar Members must have the highest ethical standards when they represent their Clients in the Court room and communicate with any parties for the legal matters (inside the Court Rooms and Outside of the Court Rooms).*

87. Attorneys found to be in violation of professional standards are guilty of misconduct and subject to disciplinary procedures.
88. *A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed—that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.*
89. *From 2014 to 2016, Defendants have made misleading statements to conspire in the court house during the Conferences and still going on.*
90. *Defendants have made false representations of the IBM Ex-Employees to dismiss Plaintiff Deposition Subpoena without a valid "The Engagement Letter" that was required for them per New York State Court Laws. See Exhibit#1:*
<http://www.nycourts.gov/litigants/lettersofengagementrules.shtml>
91. On March 19, 2016 (See 13CV7339 Kalola vs IBM ECF 15 F, G, H, 46, 60 Memorandum Decision etc.), the Defendants (Mr. Lauri and or Dana and Mina) made false and misleading statements to dismiss Plaintiff's IBM Ex-High Ranking Officers' Depositions that they never truly represented.

92. Previously, Defendants have told Plaintiff and Court that they were not representing John Paterson (EX Chief Procurement Officer "CPO"), Tom Forsberg-Plaintiff Manage, Charlie Maltrotti-Plaintiff 2nd Line Manager.

93. But on the other side, the Defendants have been defending the Ex High Ranking Officers (*Sam Palmisano-EX CEO, Rod Adkins-Ex. Sr. VP, Randy MacDonald -Ex HR VP, and Robert Weber-Ex Sr. VP of Legal Department of IBM (New York).*

94. *So why they keep representing the High Ranking Officer without the Engagement Letter which is required by all Attorneys in New York since 2002 (see Exhibit #1 New Law for Attorneys).*

95. Defendants have committed:

96. **Conspiracy** (intentionally and knowingly blocked Similarly Situated Employees' Performance Rating Evidences of John Bachman, Roy Galewaski, Mark Broat, Peter Mendola, Jane Lake, Tom Tempestilli. All Caucasian Employees under Plaintiff's (Only One Indian) Manager Tom Forsberg-Caucasian),

97. **fraud** (Defendant told Court and Plaintiff that David McCree is only one Similarly Situated Employee)

98. by intentionally ignoring the Similarly Situated Employees' names in (see Plaintiff's claims in the 13CV7339 ECF 1, 15, 46, 39, 118, 119 etc..).
99. the ECF Documents in those the Courts to hide the Similarly Situated Employees' Performance Rating Documents (Comparator Data) because all of the Similarly Situated Employees and Managers are Caucasians and Plaintiff is Indian (National Origin of India).
100. In the Court's ECF 60 Memorandum Decision, Plaintiff has many proceeding Title VII, New York Human Rights, ADA, Retaliations, etc. Claims.
101. Plaintiff claims that the Defendants have violated and have been violating the following Federal Statutes:
102. Conviction under 18 U.S.C. 371 for conspiracy to commit a substantive offense requires proof that one of the conspirators committed an overt act in furtherance of the conspiracy.⁶⁰ More than a few federal statutes, however, have a conspiracy component that does not include an explicit overt act requirement.⁶¹ Whether these statutes have an implicit overt act requirement can be determined only on a statute-by-statute basis.⁶² Even there, however, the courts have sometimes reached different conclusions.⁶³ In the case

of prosecution under other federal conspiracy statutes that have no such requirement, the existence of an overt act may be important for evidentiary and procedural reasons. The overt act need not be the substantive crime which is the object of the conspiracy, an element of that offense, or even a crime in its own right.⁶⁴ Moreover, a single overt act by any of the conspirators in furtherance of plot will suffice.⁶⁵

103. **Conspiracy to Defraud the United States (Justice Department-Court House against the Impartial Rulings in favor of the Defendants to dismiss the Plaintiff's Case or some of the claims to minimize the damages. This is also perform Court's Impartial Ruling for the 13CV7339 Case).**

104. Federal law contains several statutes that outlaw defrauding the United States. Two of the most commonly prosecuted are 18 U.S.C. 286, which outlaws conspiracy to defraud the United States

105. See *United States v. Reed*, 575 F.3d 900, 924 (9th Cir. 2009) ("Once a conspiracy is established, only a slight connection to the conspiracy is necessary to support conviction. The term slight connection means that a defendant need not have known all the conspirators, participated in the conspiracy from its beginning,

participated in all its enterprises, or known all its details"); *United States v. Martin*, 803 F.3d 581, 588 (11th Cir. 2015); *United States v. Flores-Rivera*, 787 F.3d 1, 26 (1st Cir. 2015); *United States v. Wallace*, 759 F.3d 486, 491 (10th Cir. 2014).

106. ***Plaintiff requests the \$46M total Damage from the Jackson Lewis PC***, 101 Park Ave, New York, NY 10178. 1-(888) 426-7344 and Individual Defendants.
107. *Defamation Damages (loss of reputation and trust in the Court Room for the New York Human Rights and Federal (Title VII, ADA Claims) as Only True Witness.*
108. *Judges have been retaliating and discriminating against the Plaintiff and Plaintiff lost all most all Motions since Sep 2015 to 2016 (See 13Cv7339 ECF March 19, 2015 to 2016 Court Orders).*
109. *Due to the Defendants misconducts and other unethical acts, the Court may dismiss Plaintiff's \$46M (now upgraded \$168M Damages based on the new Evidences during the Discovery) using the Summary Judgement or Reduced the Plaintiff's Claims that could lower the overall total damage.*
110. *Plaintiff suffered Intentional Emotional Inflicts of Emotions Distress, Emotions Distress, Loss of Sleep, Headaches, Deterioration*

of the mental and overall health, loss of reputation in the society, etc..

111. *Plaintiff asks for the more than \$168M Punitive and all applicable damages from the Defendants.*

112. Federal Court White Plaints-New York also allowed and promoted Defendants (all Caucasians) unethical activities of the Attorneys who supposed to hold the highest ethics per American and New York Bar and New York Supreme Courts.

113. This type of the processes in the New York State and All Federal Court must be stopped against the Pro Se and all Plaintiffs (Tax Payers who pays the all Government Employees, the New York State and Federal Judges and Court's Salaries).

114. This case is also being filed to improve the ethics in the New York State and New York Federal Courts.

115. All Judges must follow the Federal Code of Conducts and remain 100% impartial for all the rulings.

116. Plaintiff (Pro Se) requests the Court to apply all applicable claims and laws against the Defendants the punishment and for the Plaintiff's damages.

117. See Case 2:15-cr-00193-SDW United States of American vs WILLIAME. BARONI, BRIDGET ANNE KELLY JR. Doc 1. Document 1 Filed

04/23/15 Page 35 During the lane and toll booth reductions, despite receiving updates on the serious traffic congestion that they were inflicting upon Fort Lee and its residents, defendant BARONI, defendant KELLY, and Wildstein agreed that the reductions should continue Each day. In violation of Title 18, United States Code, Section 241.

118. Plaintiff claims that Defendants (who are representing the #1 American Job Killer and US Community Destroyer IBM. IBM (\$156B Corporation).

Exhibit#1

(New York Law Practice State Laws)

Exhibit#1: <http://www.nycourts.gov/litigants/lettersofengagementrules.shtml>

Letters of Engagement Rules

Joint Order Of The Appellate Divisions

The Appellate Divisions of the Supreme Court, pursuant to the authority invested in them, do hereby add, effective March 4, 2002, Part 1215 to Title 22 of the Official Compilations of Codes, Rules and Regulations of the State of New York, entitled "Written Letter of Engagement," as follows:

Part 1215 Written Letter of Engagement**§1215.1 Requirements**

1. Effective March 4, 2002, an attorney who undertakes to represent a client and enters into an arrangement for, charges or collects any fee from a client shall provide to the client a written letter of engagement before commencing the representation, or within a reasonable time thereafter (i) if otherwise impracticable or (ii) if the scope of services to be provided cannot be determined at the time of the commencement of representation. For purposes of this rule, where an entity (such as an insurance carrier) engages an attorney to represent a third party, the term "client" shall mean the entity that engages the attorney. Where there is a significant change in the scope of services or the fee to be charged, an updated letter of engagement shall be provided to the client.

2. The letter of engagement shall address the following matters:

1. Explanation of the scope of the legal services to be provided;
2. Explanation of attorney's fees to be charged, expenses and billing practices; and, where applicable, shall provide that the client may have a right to arbitrate fee disputes under Part 137 of the Rules of the Chief Administrator.

3. Instead of providing the client with a written letter of engagement, an attorney may comply with the provisions of subdivision (a) by entering into a signed written retainer agreement with the client, before or within a reasonable time after commencing the representation, provided that the agreement addresses the matters set forth in subdivision (b).§1215.2

Exceptions. This section shall not apply to:

1. representation of a client where the fee to be charged is expected to

be less than \$3000,

2. representation where the attorney's services are of the same general kind as previously rendered to and paid for by the client, or

3. representation in domestic relations matters subject to Part 1400 of the Joint Rules of the Appellate Division (22 NYCRR), or

4. representation where the attorney is admitted to practice in another jurisdiction and maintains no office in the State of New York, or where no material portion of the services are to be rendered in New York.

As amended April 3, 2002

Exhibit#2

Defendant Information

Exhibit: <http://fas.org/sgp/crs/misc/R41223.pdf>

Jackson Lewis PC - New York State and in the USA.

Lauri Kevin G. Lauri "Lauri" (NYC) LauriK@JacksonLewis.com,

Dana Glick Weisbrod "Dana" (NYC) WeisbrodD@jacksonlewis.com

Mina Wood (NYC) "Mina": Mina.Wood@jacksonlewis.com

On the top of above, the New York Southern District's Federal Judges

See <http://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges> (Canon 1 to 5).

Exhibit#3

WHO IS THE DEFENDANT (IBM and its employees, IBM Internal Attorneys and their hire Law Firm and its Attorneys) that Judges have been using Favoritisms since the Discovery started (Sep 2015 to 2016 and still going on)?

See <https://www.justice.gov/opa/pr/justice-department-settles-citizenship-status-discrimination-claim-against-ibm>. ("Justice Department Settles Citizenship Status Discrimination Claim Against IBM".)

1. <http://www.itbusinessedge.com/cm/blogs/tennant/ibm-bribery-scandal-what-was-it-thinking/?cs=46131>
2. <http://www.reuters.com/article/2013/07/31/net-us-ibm-sec-idUSBRE96U0LP20130731>
3. <http://wallstcheatsheet.com/stocks/ibm-is-being-sued-over-nsa-scandal.html/?a=viewall>

4. <http://online.wsj.com/news/articles/SB10001424052748704608504576208634150691292>.
5. <http://www.bloomberg.com/news/articles/2014-05-12/old-fired-at-ibm-trendsetter-offers-workers-arbitration>

EXHIBIT

The Defendant has already killed thousands of Americans' Jobs since Sam Palmisano-EX CEO Visited India in 2003 and due to bad politics and intentional violations of IBM Policies, Federal and New York State Civil and Criminal Law Violations since IBM founded.

See Web Exhibits

(Defendants fired 1000s of Americans by faulsifying Performance Ratings and fired them by intentionally violated Fderal and All State's Civil and Criminal Laws (EEOC Laws, ADEA, Title VII, New York Human Rights Conspiracy, Fraud, Defraud etc..):

<http://www.networkworld.com/article/2342019/wireless/palmisano-visits-india--may-move-more-work-there.html>).
<http://www.ibmemployee.com/>

<https://watchingibm.com/>

<https://www.facebook.com/alliancemember/?fref=ts>

Exhibit

(Senior employments Cases' Federal and Appeal Court Judges support Plaintiff for this case to improve the litigation process, Rule 56 Process etc.. to save your and Court's time and to save the Tax Payers' Money.

Source WebLink: <https://www.youtube.com/watch?v=8c8rrIeRpxc>



1. The Honorable Mark W. Bennett, U.S. District Court for the Northern District of Iowa
 - a. At 27:35 Min... Federal Judges uses Prisoner Rights Case for Employment Cases
 - b. At 28:00 to 30:..... Summary Judgements Over Used In Employment Discrimination Cases
 - c. At 30:30 Min (Courts are Anti Plaintiff Bias in Employment Discrimination Cases (PLAY))

- d. At 31:55 (Eliminate Summary Judgements, **Eliminate Lot of Discovery**, We are spending too much time on Rule 56.....
- e. At 32:00 , I would eliminate a Lot of Discovery....I HATE the LITIGATORS...Make my Skin Crawl...
- i. Trial Lawyers are on a Dangerous Species List...**Snail Darter** of the Professions
 - ii. Litigators are **Mosquitoes** ...I do not much like the Litigators. I tried a Case with 16 Litigators from a Boston / LA Law Firms....I asked them. Do you really need 16 Litigator? ...They added \$2M dollar to the Plaintiff's Case...It was \$4M to \$5M..
 - iii. At 33:39 ...The Problem is the Not the Summary Judgements...That is the CAUSE...the Problem is ...
 1. We turn into Litigation Society....Litigation is Driven by the Economics of the Large Law Firms. That is what Drives the Litigations....
 2. If the Economics Partner can't make the Millions Dollars...
 3. If they do not have Associates seating in Warehouses looking at a Million Documents...99.99% these Documents do not have a Dam thing do with the CASE...

This trial by Summary Judgement or Trial by Jury" Symposium was Published on Aug 10, 2012 by New York Law School.

A View From the Bench -- The Judges' Perspective on Summary Judgment In Employment Discrimination Cases:

The Honorable Mark W. Bennett, U.S. District Court for the Northern District of Iowa

The Honorable Bernice B. Donald, U.S. Court of Appeals for the Sixth Circuit

The Honorable Nancy Gertner (Retired), Harvard Law School

The Honorable Lee H. Rosenthal, U.S. District Court for the Southern District of Texas

Richard T. Seymour (Moderator), Law Office of Richard T. Seymour, P.L.L.C.

2. The Honorable Mark W. Bennett, U.S. District Court for the Northern District of Iowa

a. At 27:35 Min...Federal Judges uses Prisoner Rights Case for Employment Case

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i. Trial Lawyers are on a Dangerous Species List...**Snail Darter** of the Professions

ii. Litigators are **Mosquitoes** ...I do not much like the Litigators. I tried a Case with 16 Litigators from a Boston / LA Law Firms...They added \$2M dollar to the Plaintiff's Case...It was \$4M to \$5M..

iii. At 33:39 ...The Problem is the Not the Summary Judgements...That is the CAUSE...the Problem is ...

1. We turn into Litigation Society....Litigation is Driven by the Economics of the Large Law Firms. That is what drives the Litigations....

2. If the Economics Partner can't make the Millions Dollars...

3.If they do not have Associates seating in Warehouses
looking at the Million Documents...99.99% these Documents do
not have a Dam thing to do with the CASE...

f.At 34:00 Min...I recently has Security Fraud Case. They were looking
at Million Documents...then...I asked, how many Documents are you going
use in the Closing Arguments...You put it in the Evidence , then,
...you have to put in the Closing ArgumentsI said may be 10
documents... It will cut down the Non Sense Litigation Machine
Industry that our profession has become....
g.I hate the Trial Layers are the

h. The Honorable Lee H. Rosenthal, U.S. District Court for the
Southern District of Texas: At 18:30 Min of 1:39:38 above
(Plaintiff Disadvantage ...Full Blown Discovery Costly
etc....**Employment Cases suffers in the Eyes of the Judges.** This is
not only my views..

EXHIBIT#4

See this Web Link for the following
<https://fas.org/sgp/crs/misc/R41223.pdf>

Joinder and Severance (One Conspiracy, One Trial)

Three rules of the Federal Rules of Criminal Procedure govern joinder and severance for federal criminal trials. Rule 8 permits the joinder of common criminal charges and defendants.¹⁴⁷ Rule 12 insists that a motion for severance be filed prior to trial.¹⁴⁸ Rule 14 authorizes the court to grant severance for separate trials as a remedy for prejudicial joinder.¹⁴⁹

The Supreme Court has pointed out that “[t]here is a preference in the federal system for joint trials of defendants who are indicted together. Joint trials play a vital role in the criminal justice system. They promote efficiency and serve the interests of justice by avoiding the scandal and inequity of inconsistent verdicts.”¹⁵⁰ In conspiracy cases, a “conspiracy charge combined with substantive counts arising out of that conspiracy is a proper basis for joinder under Rule 8(b).”¹⁵¹ Moreover, “the preference in a conspiracy trial is that persons charged together should be tried together.”¹⁵² In fact, “it will be the rare case, if ever, where a district court should sever the trial of alleged co-conspirators.”¹⁵³ The Supreme Court has reminded the lower courts that “a district court should grant a severance under Rule 14 only if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence.”¹⁵⁴ The Court noted that the risk may be more substantial in complex cases with multiple defendants, but that “less drastic measures, such as limiting instructions, often will suffice to cure any risk of prejudice.”¹⁵⁵ Subsequently lower federal appellate court opinions have emphasized the curative effect of appropriate jury instructions.¹⁵⁶ (continued...) [Federal Conspiracy Law: A Brief Overview Congressional Research Service 19](#)

¹⁴⁵ *Whitfield v. United States*, 543 U.S. 209, 218 (2005).

¹⁴⁶ *United States v. Hsiung*, 778 F.3d 738, 746 (9th Cir. 2015); *United States v. Bradley*, 644 F.3d 1213, 1255 (11th Cir. 2011); *United States v. Tzolov*, 642 F.2d 314, 319-20 (2d Cir. 2011) (each of these cases involves conspiracy which carries an overt act requirement); *United States v. Rodriguez-Lopez*, 756 F.3d 422, 429-30 (5th Cir. 2014); *United States v. Watson*, 717 F.3d 196, 198 (D.C.Cir. 2013); *United States v. Banks*, 706 F.3d 901, 904-905 (8th Cir. 2013) (each of these cases involves conspiracy under 21 U.S.C. 846 which does not include an overt act requirement).

¹⁴⁷ “(a) **Joinder of Offenses.** The indictment or information may charge a defendant in separate counts with 2 or more offenses if the offenses charged—whether felonies or misdemeanors or both—are of the same or similar character, or are based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan.

“(b) **Joinder of Defendants.** The indictment or information may charge 2 or more defendants if they are alleged to have participated in the same act or transaction, or in the same series of acts or transactions, constituting an offense or offenses. The defendants may be charged in one or more counts together or separately. All defendants need not be charged in each count,” F.R.Crim.P. 8.

¹⁴⁸ “The following must be raised before trial: ... (D) a Rule 14 motion to sever charges or defendants,” F.R.Crim.P. 12(b)(3)(D). If the motion is denied, the courts will require that the motion be renewed at the close of the presentation of evidence or it will be considered waived, *United States v. Williams*, 553 F.3d 1073, 1079 (7th Cir. 2009); *United States v. Sullivan*, 522 F.3d 967, 981 (9th Cir. 2008).

¹⁴⁹ “(a) Relief. If the joinder of offenses or defendants in an indictment, an information, or a consolidation for trial appears to prejudice a defendant or the government, the court may order separate trials of counts, sever the defendants’ trials, or provide any other relief that justice requires.

“(b) Defendant’s Statements. Before ruling on a defendant’s motion to sever, the court may order an attorney for the government to deliver to the court for in camera inspection any defendant’s statement that the government intends to use as evidence,” F.R.Crim.P. 14.

150 *Zafiro v. United States*, 506 U.S. 534, 537 (1993); see also, *United States v. Straker*, 800 F.3d 570, 626 (D.C.Cir. 2015).

151 *United States v. Williams*, 553 F.3d 1073, 78-79 (7th Cir. 2009).

152

Purushottam C. Kalola

Purushottam C. Kalola, Plaintiff (Pro Se), US Citizen

DATED: June 24, 2019

Notary Public Seal and Signature are as follows:

Subscribed and sworn to before me this 24th day of June 2019

Andrew B Shaw

Signature of Notary Public

